IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.Misc.No.21574-M of 2007

Date of Decision: 17.4.2007

Satpal and others .....Petitioners

Versus

State of Haryana and others .....Respondents

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Balkar Singh, Advocate for the petitioner.

S. D. ANAND, J.

In the present petition under Section 482 of the Code of Criminal Procedure, the petitioners have applied for quashing of FIR No37 dated 11.3.2006, under Sections 498-A, 406, 323, 506, 120-B of the Indian Penal Code registered at police Station Sadhaura, District Yamuna Nagar. Petitioners Satpal and Sona Devi are parents-in-law of respondent No.2 – Neelam Rani; while petitioner No.3 is a real brother of husband of that respondent. A grievance made by her to the Court was forwarded to the police in terms of the provisions of Section 156(3) of the Code of Criminal Procedure and that is how the FIR aforementioned came to be registered.

In support of the request for quashment of the FIR, learned counsel argues that all the petitioners are separate in mess and residence from Lal Chand, husband of respondent No.2. Attention of the Court was invited to the fact that they hold a separate ration card; that petitioner No.1 was on duty in Ballarpur Industries, Yamuna Nagar on the date and time of

the alleged accident and that petitioner No.3 was attending a Course of Machinist at ITI, Ambala City at the relevant part of time. On the basis of the above averments, the impugned proceedings were described to be an abuse of the process of law. The petitioners, even otherwise, denied having raised any dowry demands from respondent No.2.

The petitioners have, in a way, raised a plea of alibi. The validity or otherwise of such a plea cannot be adjudicated upon in proceedings under Section 482 of the Code of Criminal Procedure. It is essentially a question of fact. It has to be adjudicated upon only at the trial after the parties have been afforded opportunity to adduce evidence. There is no infirmity or illegality in the impugned proceedings which may ordain interference on the part of this Court.

Dismissed.

(S. D. ANAND)
JUDGE

April 17, 2007
SRM